# CLASSIFICATION OFFICE DECISION

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| **Title of publication:** | y-hard0028.jpg |
| **Other known title(s):** | Not stated |
| **OFLC ref:** | 802194 |
| **Medium:** | Computer Image File |
| **Publisher:** | Not stated |
| **Country of origin:** | Not stated |
| **Language:** | Not applicable |
| **Applicant:** | Commissioner of Police |
| **Classification:** | Objectionable. |
| **Descriptive note:** | None |
| **Display conditions:** | None |
| **Date of entry in Register:** | 21 April 2009 |
| **Date of direction to issue a label:** | No direction to issue a label has been issued |

**Summary of reasons for decision:**

The computer image file is objectionable because it promotes and supports the exploitation of children for sexual purposes.

The file depicts a man performing a sexual act on a young girl. The image has been deliberately constructed for sexual titillation and arousal. It encourages adults to see young children as sexually desirable and available for sexual gratification. The effect is to validate a sexual interest in children and encourage their sexual exploitation.

The classification of this publication interferes with the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990. However, this is an outcome that is consistent with Parliament's clear intention in s3(2) of the Films, Videos, and Publications Classification Act 1993. The classification is a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support the exploitation of children for sexual purposes.